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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,817	02/05/2001	John Michael Boushy	19538-05688	8587
758	7590	07/10/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER SAGER, MARK ALAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/777,817

Applicant(s)

BOUSHY, JOHN MICHAEL

Examiner

M. A. Sager

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GSI System in view of background summary of prior art and Remedio. This holding is maintained from prior action for cited claims, as amended, as stated next. Response to Applicants remarks is provided below and incorporated herein. As best understood, the cumulative references (GC 3871-4475, GC 4484-4542, and SC27890, as further supported by deposition by Alistair Crighton) describe a GSI system, computer implemented method and method for tracking patronage of customers or tracking customer activity at a plurality of casino properties using customer accounts and customer identifications comprising all claimed steps/features, as broadly claimed (*supra*) including storing a portion of the customer accounts in each of a plurality of databases, each database associated with one of the casino properties and communicatively coupled to the network at the casino property, receiving at a first database of a first casino property a customer's betting activity from a customer account stored in the first database except a request from a second database as a second casino property for a customer's betting activity from a customer account stored in the first database since GSI system transfers any requested betting activity from first database of a first casino to another database of another casino property. In the case of the River City implementation of the GSI system (GC 3876-3893, GC3892-4475, 4479-4542, SC27890, as further supported by deposition by Alistair Crighton), upon a riverboat casino docking, all betting activity that occurred while on river was transmitted to the dockside database to update its database records of customer accounts based on betting activity of customers and then uploaded from dockside database to second casino property onboard a second riverboat casino prior to its departure. Also, new customers may register for

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club account to be automatically tracked at gaming machines where registration occurs at any time either on the riverboat casino or in dockside facility awaiting riverboat to dock such that the local databases will store a portion less than the entirety of customer accounts at least due to new customers registering while on the boat away from dockside database or at the dockside facility awaiting boat to dock such that the mirroring only occurs after local dockside database is updated upon docking and thus during interim, newly registered players either at dockside or on riverboat casino away from dock will not be mirrored in other database until docking. It is noted that only one new account opened at dockside facility after riverboat casino has departed dock and another new account opened on riverboat while away from dock will cause each local database that contains a portion less than the entirety of player accounts such that the local database in each are not mirrors which is likely and plausible for players who may become first time riverboat club registered. The openness for registration either at dockside facility or while on river in riverboat casino implicitly includes or permits each local database to contain a portion less than the entirety of the player accounts. Thus, the mirror argument is not persuasive.

However, the River City casino system implementation of GSI system lacks receiving at a first database of a first casino property a request from a second database at a second casino property for customer's betting activity from a customer account in the first database (clm 2) and similarly in response to an input of a customer ID to a computer system at a first casino property, retrieving from the local database of a second casino property, first customer betting activity from the customer account associated with the input customer ID (claim 5) where input of a customer ID to a computer system is in conjunction with a receiving at a first database of a first property a request from another database of another property for player play data like in claim 2

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above. As stated above, the GSI system including implementation of the River City riverboat casino discloses or teaches all features/steps including transmitting the customer's betting activity from the first database of a first property to the second database of a second property and receiving at a second database customer's betting activity from a customer account in the first database at a first casino property where the customer's betting activity is collected automatically from customer gaming activity at gaming machines and only lacks receiving at a first database of a first casino property a request from a second database for customer's play data from a customer account in the first database where the play data in this instance is betting activity and similarly in response to an input of a customer ID to a computer system at a first casino property, retrieving from the local database of a second casino property, first customer betting activity from the customer account associated with the input customer ID where input of a customer ID is in conjunction of receiving at a first database of a first property a request from a second database of a second property like claim 2. Further, most casino properties including affiliated casino properties do not operate in the repetitive open/close of River City riverboat casinos which is due in response to local gambling laws that only while on the River away from the dock may the casinos conduct legal gambling; while, more traditional casino properties operate 24/7 or nearly 24/7 and do not operate with local laws that cause the repetitive open/close situation of the River City casinos; whereas, the GSI system is coded/programmed to permit multiple property database access and reconciliation that can be tailored for use in consideration of local laws or casino management considerations (GC 3871-4475, especially GC 3876-3893, GC4479-81, GC4484-4542, HARS 056215 and SC27890).

The background summary (last 2 paragraphs page 1 and top paragraphs of page 2, Background art) of prior art player tracking systems admits casinos being historically segmented with respect to compiled player tracking data despite some casino properties being affiliated (top of page 2). Distributed computer networks for sharing user data between remote databases is well known in networking or computing arts, and further is known in gaming networks in particular. Remedio discloses a distributed computer network for sharing player game performance data between remote clubs (1:64-2:25, 67-68; 5:37-6:11; 7:62-8:21; 8:64-10:35, figs. 1-17b). At any given time in Remedio's network, the respective player databases each contain a portion less than the entirety of the player data since customer activity data is stored at each respective local club database for customer activity at a respective course such that each local database contains a portion less than the entirety of the customer accounts of all associated or affiliated clubs where activity data is not transmitted instantaneously as it is generated and since each local club database stores customer data for the respective golf course to which the club is associated (5:37-62, 6:1-11, 7:67-8:21, fig. 1), especially when considering Remedio's network across a state, country or globally as stated (5:37-62, 6:1-11, 7:67-8:21, 9:65-67, fig. 1). Thus, Remedio teaches the claimed structure of a network for affiliated or associated clubs for storing, updating and transmitting/receiving a portion that is less than the entirety of the customer accounts upon receipt of a request from another club database such that the structure is performing the same function and fulfilling the same purpose as claimed system and method in so far as storing, updating and transmitting/receiving customer data of each local club pertains to a golf club rather than a casino club. Remedio discloses a network of associated or affiliated clubs including storing a portion less than the entirety of the customer accounts [golfers rather

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than casino patrons] in each of a plurality of databases (7:67-8:21, 9:65-67, figs. 1), each database associated with one of the properties/clubs (5:37-62, 6:1-11, fig. 1) and communicatively coupled to the network at the property, receiving via the network at a first database of a first property a request from a second database at a second property for a customer's activity [play data] from the data stored in the customer's account (5:37-62, 7:67-8:21) and transmitting the customer's activity from the first database to the second database (7:67-8:21, fig. 1). Essentially, prior to Remedio, players using remote [from home club] club received greens slip after playing at a remote club which the player would bring to club ranger for input into their home club player database in order to maintain a current record of player play data. However, under this system (i.e. prior to Remedio), play slips may be lost enroute to updating home club database and thus their play data was not current due to not reflecting the lost greens slip play data and this discouraged remote play with affiliated or other clubs in the system. Similarly, to the prior golf system, players at casinos did not have play data or current activity reflecting their play at all casinos due to the aforementioned segmentation of the casino databases as noted in background cited above. Remedio is relevant prior art at least due to being within the field of applicants endeavor of storing and tracking customer play data in games across multiple clubs and more specifically distributed network of stored customer play data, but further is reasonably pertinent to the particular problem with which the applicant was concerned of receiving at a first database a request from a second database at a second property for a customer's play data or activity from that customer's or player's account stored in the first database so as to be transferred to a second database at a second property and storing a portion less than the entirety of the customer accounts in each of a plurality of databases, each database

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associated with one of the properties and communicatively coupled to the network at the property. With the advent of Remedio, a players play data was shared between remote clubs through a central computer upon request from another database to preclude players losing their greens slip thereby improving accuracy of player play data and the distributed system increases patronage of affiliated or connected clubs thereby since the play data is maintained without concern for losing play data and due to increased variety of clubs from which to play (i.e. customers prefer variety). Thus, for reasons parallel to Remedio's inclusion of a connected network, it would have been obvious to an artisan at the time the invention was made to add 'less than the entirety' and a connected network of a plurality of clubs each having a player database for play data sharing as by receiving a request from a second database at a second casino property for a customer's betting activity from a customer account stored in the first database and in response to an input of a customer ID to a computer system at a first casino property, retrieving from the local database of a second casino property, first customer betting activity from the customer account associated with the input customer ID as taught/suggested by Remedio and background of admitted prior art of instant application to GSI's system, computer implemented method or method in order to improve accuracy of player activity or play data and to increase the variety of clubs from which a player may play which increases patronage at affiliated or connected clubs. It is noted that GSI's system teaches the automated collection of customer's activity including wagering data collected at gaming machines at multiple casino properties and further teaches multiple property affiliation. The benefit of storing a portion less than the entirety taught by Remedio lies in the speed of transmittance for the reduced amount of data being transmitted and the ease of access to play data for a customer who frequents a club but

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occasionally may opt to play at another associated or affiliated club (5:37-62, 7:67-8:21, fig 1) in that the local play data is easily accessed at the local club and when venturing to another associated club, that customer's play data may be requested for a current round of play to be updated. Thus the bandwidth is reduced due to less data being transferred in that only the requesting players data is being requested and then transferred. By storing customer data in each local databases, ease and speed of retrieval of customer data is obtained over a centralized system and less memory space is required at each local database since not all customer records need be stored as in a centralized system or a system that mirrors storage such as GSI. Any time a player goes to a club that is affiliated that they have not previously visited, a request may be sent to retrieve that customers activity data from their local club database which would require a limited bandwidth over retrieval of all customers [potentially hundreds or even thousands of different players depending on size and popularity of club] from the other local club database and would be unnecessary unless all customer from that other local club showed up to play and each had not previously played at the new club.

Response to Arguments

2. Applicant's arguments filed April 26, 2007 have been fully considered but they are not persuasive. Regarding Applicants assertion that the combination disclose only mirroring of data across databases, the examiner disagrees and believes such conclusion is clearly erroneous and misleading on the record. The standard of patentability remains as what the combination of prior art taken as a whole at a time prior to the invention suggests to an artisan. In this instance, GSI's system includes multi-property network for storing, updating customer accounts associated with casino properties for customer gaming activity automatically collected at gaming machines, but

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appears to lack storing a portion less than the entirety of the customer accounts in each of a plurality of databases and receiving a request at a first database of a first property from a second database of a second property for a customer's betting activity from a customer account stored in the first database and transmitting the customer's betting activity from the first database to the second database so as to update the customer's betting activity. However, the argument with customer accounts fails to consider the openness of player registration at dockside facility and while on riverboat casino away from dockside facility such that players may register at any time at either facility or riverboat casino which implicitly causes each local database to contain a portion less than the entirety whenever at least one new account is opened at dockside facility and another account is opened on riverboat such that mirroring is removed. Thus the GSI system includes each local database containing a portion less than the entirety of player accounts whenever at least one new account is opened at dockside facility and riverboat casino location. Thus, that argument fails to consider art as a whole and thus is not persuasive. Also, the admitted prior art in instant background states prior customer tracking systems at clubs being segmented. However, as stated in holding above, Remedio discloses a distributed computer network storing a portion less than the entirety of the customer accounts in each of the plurality of databases each database associated with one of the properties and communicatively coupled to the network of the club property and sharing player game data between remote clubs (1:64-2:25, 67-68; 5:37-6:11; 7:62-8:21; 8:64-10:35, figs. 1-17b). At any given time in Remedio's network, the respective customer databases contain a portion less than the entirety of the player data since customer activity data is stored at each respective local club database for customer activity for a respective course to which the club is associated (5:37-62, 6:1-11, 7:67-8:21, 9:65-67, fig. 1).

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Thus, Remedio teaches the claimed structure of a network for affiliated/associated club databases for storing, updating and transferring/receiving/transmitting a portion that is less than the entirety of the customer accounts upon receipt of a request from another club database such that the structure is performing the same function and fulfilling the same purpose as claimed system and method in so far as storing, updating and transferring customer data of each local club pertains to a golf club rather than a casino club. Thus, in this instance, when GSI system in combination with admission of segmented tracking systems and Remedio's network is taken as a whole at a time prior to the invention by an artisan, the prior art suggests a system or method comprising storing a portion less than the entirety of the customer accounts in each of the plurality of databases, each database associated with one of the casino properties and communicatively coupled to the network at the casino property and receiving at the database of a first casino property customer betting activity data from the database at a second casino property upon receipt of a request for that customers betting activity to be transferred and transmitting/updating the customer's account in the database of the first casino property in response to the betting activity so as to permit ease of access to customer data while permitting ease of updates for play at remote club (2:16-25, 5:37-62, 7:67-8:21, 9:65-67, fig. 1). Remedio is maintained as being relevant prior art (*supra*).

Finally, the claim amendments regarding 'less than the entirety' although limiting data stored in each database does not advance prosecution at least since combination of prior art teaches/suggests claimed invention, as amended, including less than entirety as stated above.

Conclusion

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. This is an RCE/continuation of applicant's earlier Application No. 09777817. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

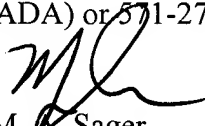
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


M. A. Sager
Primary Examiner
Art Unit 3714

mas